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UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - <u>SANTA ANA</u> DIVISION	
In re: THE LITIGATION PRACTICE GROUP P.C., Debtor(s)	CASE NO.: 8:23-bk-10571-SC CHAPTER: 11 NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE RE: <i>(title of motion¹)</i>: <u>Motion and Emergency Motion (I) for Entry of Interim Order:</u> <u>(A) Authorizing The Trustee to Obtain Post-Petition</u> <u>Financing and Superpriority Administrative Expense Claim</u> <u>Pursuant to 11 U.S.C. § 364; and (B) Setting Final Hearing;</u> <u>and Pursuant to Final Hearing, (II) for Entry of Final Order</u> <u>Approving Post-Petition Financing on a Final Basis</u>

PLEASE TAKE NOTE that the order titled ORDER ON FINAL APPROVAL OF TRUSTEE'S POST-PETITION FINANCING

was lodged on (date) August 18, 2023 and is attached. This order relates to the motion which is docket number 119.

¹ Please abbreviate if title cannot fit into text field.

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9
10 **UNITED STATES BANKRUPTCY COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **SANTA ANA DIVISION**

13 In re:
14 THE LITIGATION PRACTICE GROUP P.C.,
15 Debtor.
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23

Case No. 8:23-bk-10571-SC

Chapter 11

**ORDER ON FINAL APPROVAL OF
TRUSTEE'S POST-PETITION
FINANCING**

Date: August 10, 2023

Time: 10:00 a.m.

Judge: Hon. Scott C. Clarkson

Place: Courtroom 5C
411 West Fourth Street
Santa Ana, CA 92701

24
25 On June 16, 2023, Richard A. Marshack, the Chapter 11 Trustee (the "Trustee ") for the
26 bankruptcy estate (the "Estate ") of The Litigation Practice Group, P.C., in the above-captioned
27 bankruptcy case filed a *Notice of Motion and Emergency Motion (I) for Entry of Interim Order: (A)*
28 *Authorizing The Trustee to Obtain Post-Petition Financing and Superpriority Administrative*

1 *Expense Claim Pursuant to 11 U.S.C. § 364; and (B) Setting Final Hearing; and Pursuant to Final*
2 *Hearing, (II) for Entry of Final Order Approving Post-Petition Financing on a Final Basis* [Docket
3 No. 119] (the "Financing Motion"). This Court heard the Financing Motion and On June 22, 2023,
4 entered an Interim Order [Docket No. 131] granting the Financing Motion that, among other things,
5 set a Final Hearing on July 20, 2023, authorized the Trustee to borrow up to \$800,000.00 of Post-
6 Petition Financing in advance of the Final Hearing, and gave the Trustee the authority to make non-
7 material changes to the terms of the Post-Petition Financing in advance of the Final Hearing with
8 proper notice. The Court moved that Final Hearing to August 10, 2023 at 10:00 a.m. to provide
9 parties more time.

10 The lender identified in the Financing Motion provided financing in the amount of
11 \$249,663.98.

12 On June 29, 2023, the Trustee filed a Notice in the case that the lender identified in the
13 Financing Motion as being willing and able to lend the \$800,000 to the Estate was unable or
14 unwilling to loan any amount beyond the \$240,000 that it had previously advanced (the "Ex Parte
15 Notice ") [Docket No. 156].

16 The Trustee asked that the Court approve the Ex Parte Notice. The Court set the matter for
17 hearing on June 30, 2023, entered an Order granting the Ex Parte Notice [Docket No. 158] that,
18 among other things, set a Final Hearing on August 10, 2023.

19 On or about July 3, 2023, Trustee filed his Declaration [Docket No. 170] providing, *inter*
20 *alia*, an executed copies of the notes executed pursuant to the Financing Motion in the amount of
21 \$249,663.98 ("Resolution Ventures Note No. 1 ") and the note executed pursuant to the Ex Parte
22 Notice in the amount of \$550,336.02 ("Liberty Acquisitions Note ").

23 On or about July 18, 2023, the Official Committee of Unsecured Creditors (the
24 "Committee") filed an Omnibus Limited Opposition and Reservation of Rights Concerning: (I) the
25 Trustee's Emergency Motion for Entry of a Second Interim Order Authorizing Post-Petition
26 Financing and Superpriority Administrative Expense Claim Pursuant to 11 U.S.C. § 364; and (II)
27 Liberty Acquisitions Group, Inc.'s Statement in Support Thereof [Docket No. 282] (the "Omnibus
28 Committee Limited Objection ").

1 On or about July 27, 2023, the Committee filed its Omnibus Response and Reservation of
2 Rights Regarding Final Hearing on Postpetition Financing Motions [Docket No. 341] (the "Omnibus
3 Committee Response " together with the Omnibus Committee Limited Objection, the "Committee
4 Objections "). The Committee Objections were resolved.

5 The Court, having considered the Financing Motion, all pleadings filed in support thereof,
6 and the Committee Objections, having heard oral argument, and good cause appearing including the
7 reasons stated on the record and in the Financing Motion, the Court ordered as follows:

8 IT IS ORDERED that:

- 9 1. The Financing Motion is granted, as modified herein;
- 10 2. Trustee is authorized to borrow \$249,663.98, the difference between the \$550,336.02
11 advanced by Liberty Acquisitions pursuant to the Liberty Acquisitions Note and the maximum
12 indebtedness authorized by the Financing Motion, in the amount of \$800,000, pursuant to the
13 Resolution Ventures Note No. 1;
- 14 3. Finds that there is no stay of this Order, including no stay pursuant to Rule 6004(h)
15 of the Federal Rules of Bankruptcy Procedure (to the extent applicable);
- 16 4. Retains jurisdiction with the Court with respect to all matters arising from or related
17 to the implementation of this Order.

18 **IT IS SO ORDERED.**

19 ###

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is: 655 W. Broadway, Suite 800, San Diego, California 92101

A true and correct copy of the foregoing document entitled **NOTICE OF LODGMENT OF ORDER IN BANKRUPTCY CASE RE: Motion and Emergency Motion (I) for Entry of Interim Order: (A) Authorizing The Trustee to Obtain Post-Petition Financing and Superpriority Administrative Expense Claim Pursuant to 11 U.S.C. § 364; and (B) Setting Final Hearing; and Pursuant to Final Hearing, (II) for Entry of Final Order Approving Post-Petition Financing on a Final Basis**

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On August 18, 2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On August 18, 2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on August 18, 2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

JUDGE'S COPY

The Honorable Scott C. Clarkson
United States Bankruptcy Court
Central District of California
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 5130 / Courtroom 5C
Santa Ana, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 18, 2023
Date

Caron Burke
Printed Name

/s/ Caron Burke
Signature

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